"AMERICAN LAWLESSNESS": AN INQUIRY

VICTOR S. YARROS

A theme much discussed in a superficial way, in newspapers, after-dinner speeches, sermons, is the lack of respect for law which is supposed to be an American characteristic. Even men in public life, who would rather flatter their fellow-citizens than arraign them, make sweeping statements regarding American lawlessness. Men of judicial training and judicious views frequently support the charge in question without material qualification.

The theme is a serious one, and deserves a little deeper and closer study. Are the Americans a lawless or law-neglecting people? Are they peculiar in any real, palpable way with regard to their attitude toward law, regulation, social discipline? If they are, how is the fact to be explained? And is the explanation, or are the explanations, creditable or discreditable to them?

We may set out on our little inquiry with a few representative utterances embodying the apparent indictment of the nation.

In a speech to the Young Republican Club of New York, Senator Borah of Idaho used these words a few months ago: "We are even now, in our youth, the most lawless of any of the great civilized nations. There is no country of first importance where there is so little respect for law because it is law [as here]."

President Taft, who followed the Senator on the occasion in question, subscribed to the statement. "I believe it is true," he said, "that we do not hold the law as sacred as we should," and he added that he doubted whether "we held anything as sacred as we should."

Professor Franklin H. Giddings, the head of the department of sociology at Columbia University, in an address delivered at a School of Philanthropy, stated that in the last fifteen or twenty years "a profound deterioration in private and public conduct" had taken place in this country. On all sides, he continued, "we see a desperate indifference" to morals and manners.

The editor of the *Century*, a few months since, while severely lecturing a citizen who, weary of American lawlessness, expressed his intention to shake our dust off his feet and move to some country where rules and regulations "mean something," made the following observations:

> The fundamental difficulty we have is to obtain respect for law as a principle. Nor is this an academic question. In all our cities it is one of great practical importance. Take, for instance, the unrestrained littering of the streets with paper and banana peels. To object to this, while, every day burglaries and murders are being committed, seems to many an undue anxiety about the anise and cummin of good government. They do not see the value of enforcing public cleanliness, not only for itself, but as a discipline in obedience to law.

A Chicago educator, in an indignant letter to the press, declared that he sympathized with the citizen thus lectured, for he had himself felt, many times, the call to some such act of expatriation. He went on to specify:

> There is so much playing fast and loose with law in this country, so much corruption and disorder, so much legislative partiality, so much positive anarchy on every hand.
>
> Everybody in authority, from the individual policeman to the Supreme Court, takes it into his own hands to decide whether a law is to be enforced or not, and if so, how much. We are not a nation; we are a rabble.

Such quotations as these might be multiplied indefinitely. Are the facts as alleged? If they are, how does it happen that men and women who, in Europe, as Englishmen, Scotchmen, Irishmen, Germans, Frenchmen, Danes, Swedes, etc., are law-abiding citizens, become by their change of allegiance and habitat, wild and anarchical persons? How does it happen that the descendants of such—and most of us are such descendants—throw off the restraints of tradition and social discipline? It is, indeed, said that the American climate—although our continent has several varieties of climate—tends to make us restless, impatient, strenuous; but we have heard of no scientific attempt to demonstrate the proposition that the American climate produces immorality and crime.

Eliminating physical factors we must turn for hints and possible causes to our social, political, industrial, and moral conditions. We cannot assert that free institutions, democratic government, bills of

rights, due process of law, free and univeral elementary education are necessarily demoralizing. To maintain this is to despair of civilization and of progress, to imply that tyranny, caste, privilege and artificial inequality are conducive or essential to reasonably moral conduct—"which is absurd." Moreover, none of the factors just mentioned is peculiar to America. Democracy is advancing everywhere; feudalism and privilege are retreating everywhere. Few progressive thinkers believe that England, Germany, Austria, Italy, and Russia are threatened with moral deterioration and contempt of law and order as the direct result of the steady liberalization of their governmental systems. We welcome political, social, and economic reform in any part of the world, including the Orient, without any apprehension concerning the moral effects of such reforms. On the contrary, we generally contend, or admit, that equal opportunity, justice, and freedom make for responsibility, strength, dignity in the individual.

What, then, is the matter with Americans? What causes and feeds their alleged lawlessness?

Perhaps, after all, the truth is that Americans are *not* peculiar, not really more lawless than any other civilized people, and that their apparent lack of reverence for law is the product of a combination of factors which beget precisely the same results wherever they operate to the extent or degree in which they operate. Should this be the case, the phenomena deplored might indeed give us pause, but no indictment of Americans as Americans would be warranted. There would still be great need of propaganda, effort, work; but there would be no cause for national self-castigation, for sackcloth and ashes, for gloomy fears and painful reflections.

To bring home the peculiar nature of certain American conditions—conditions under which laws are made and enforced, or enforced with great difficulty and against discouraging odds—it may be well to dwell on the character and meaning of "law." It is axiomatic to say that unenforceable laws cannot be successfully enforced. It is a truism that an act or ordinance which offends the general sense of fairness or outrages the general intelligence of a community is foredoomed to failure. This was substantially true even in the ages of despotic rule; it is emphatically true under

popular representative government. Law is not a command issued by a superior to an inferior. Sociologically speaking, law is a rule of action, a code of rules of action, which the community, with virtual unanimity, recognizes as essential to its peace, order, comfort, prosperity. In other words, law is public sentiment and public reason embodied in statutes. Custom, instinct, tradition, reason, common-sense—these underlie law and give it vitality and sanction.

Machinery and technique may obscure these truths, but truths they are. Laws may be made by means of the initiative and referendum, the simple town meeting, the representative or semi-representative parliament. Laws may be passed in response—ready or reluctant—to public clamor, or they may be enacted by statesmen (or politicians) who, with regard to certain subjects, are a little ahead of the electorate. An act may be placed on the statute books in opposition to the wishes of a strong and agitated minority. Usually, however, there is no real chasm between the minority which frantically protests and the majority which apparently rides rough-shod over opposition and "enslaves" the minority. To watch the game of practical politics is to receive almost daily demonstrations of this fact. The bottom truth is as stated—that law must reflect public sentiment and grow out of realized need.

Now laws which stand this test are enforceable and are generally enforced. Not even the habitual criminal will venture to assert that society is wrong, and that murder, manslaughter, robbery, forgery, fraud, embezzlement are safe, respectable, and harmless practices. The scoundrel has no love for the law, but he is perfectly aware that he *is* a scoundrel and that it would be impossible for society to grant him freedom of action.

On the other hand, ordinances and laws which majorities or strong minorities do not ask or desire, of which they do not perceive the necessity or reason, to which they are hostile or profoundly indifferent, are laws and ordinances that are not enforceable. For even those who do perceive necessity and reason in them cannot, in the course of time, fail to be affected by the attitude of legions of their fellow-men. We are social animals; things for which many entertain contempt and which they habitually ignore cannot inspire in the rest of us the emotions that are inspired by things which are

universally respected and admired. Suggestion, unconscious imitation, the subtle influence of example have much to do with the conduct of the most superior of men.

This is why in the making and enforcement of law "like-mindedness" is so important and valuable an asset to any community.

In the address of Professor Giddings referred to above, stress is laid on the "absolute necessity of like-mindedness" in the United States, but the bearing of this theme on the problem of law-enforcement requires considerable elucidation. To quote from the same address:

> We have in the United States one of the largest populations ever gathered together, a population of many races, of very many nationalities, having different histories, different experience of life, different languages, and profound difference of knowledge. Our people range from the most ignorant to the most learned. There are profound moral differences, from vice and crime to altruism, and profound economic differences, from direct poverty to enormous luxury. Add to this, intricate differences of ideals, temperaments, and ambitions.

Remembering the proper definition of "law," it is obvious enough that homogeneity of a population, common traditions, common standards, mutual understanding and sympathy are potent aids to law-enforcement. Where these aids are lacking, where laws demanded and secured by one element of an extremely heterogeneous population are misunderstood, questioned, opposed, ridiculed, or scorned by other elements, extraordinary burdens are thrown on officials, policemen, inspectors, and naturally, the result is meager and unsatisfactory. The community which leans on policemen and inspectors leans on a broken reed. These functionaries can do a little; nowhere can they do everything or even much.

We come, then, to our first proposition—that laws are not enforced in the United States as successfully, as easily, as thoroughly as in any advanced European county because "like-mindedness" is largely absent.

Two or three illustrations drawn from current and burning questions will suffice.

Take our Sunday laws. A state legislature composed almost entirely of Americans of, say, British descent, passes a statute

providing for observance of Sunday after the Puritan manner. The community approves and supports the statute; it is enforced without disheartening difficulties. Decades elapse; cosmopolitan cities grow up; heavy immigration from Teutonic, Latin, and Slavic countries changes the character of the citizenship; tens of thousands of "naturalized" Americans, and their sons and daughters, have a totally different conception of Sunday observance. They are respectable and virtuous citizens, but they systematically ignore or break a law which "does not appeal to them." What happens? Local officials, in spite of an oath to enforce all laws, suspend the Sunday law; the press is silent or even sympathetic; when prosecutions are attempted, juries disagree or acquit the offenders, for juries reflect the average character and intelligence of a community; elections, votes, platforms sanction the disregard of the law. A theory develops that in the cities so circumstanced custom and practice have altered the law. The theory, legally speaking, is unsound, but not even decisions of the highest court of the state affect the practical situation. The proper thing for the legislature to do is to take cognizance of the actual conditions and in the interest of law itself grant "local option" to cities in the matter of Sunday observance. But this is not done, for in the legislature are many representatives from small towns and rural sections in which the conditions are different. The Sunday law remains on the statute-book, but in the large cities it is a dead letter. Respect for law is weakened in consequence.

Turning to another type or kind of regulation, take municipal ordinances prohibiting the littering of streets or expectoration on sidewalks. Such ordinances are clearly desirable; educated and refined men and women favor them and respect them; indeed, it is at the instance and demand of such elements that city councils enact such "health" ordinances. Newspapers and clubs commend them, and what more can we wish?

A good deal more. We forget that there are tens of thousands of citizens or residents in every large city who, in the striking words of a Slavic immigrant leader, live underneath America, not in America. What are health ordinances to the foreign "colonies," to the recent arrivals, to the tenement-house population? These,

and many others, do not belong to civic clubs, do not read magazine and newspaper editorials, do not know, even, that the ordinances exist. If they learn of the existence of the ordinances, they stare, wonder, and quickly dismiss them from their minds. Nothing in their lives, habits, associations, experiences has prepared them to realize the significance of such measures. They move in different worlds.

What is the result? In whole sections and districts the ordinances are habitually violated, consciously and unconsciously. A few sporadic arrests and spasmodic "crusades" remind us of the existence of the ordinances—on paper. Such occasional "enforcement" merely emphasizes the farcical nature of the proceedings. Yet how irrelevant and superficial it is to exclaim, à propos of such farcical proceedings, "How lawless Americans are as a nation!" The blunder is in enacting laws and ordinances which "have no chance," which are foredoomed by the nature of the medium and the conditions in which they must vainly struggle for slight and partial recognition. If, however, we deliberately elect to enact laws demanded, understood, and appreciated by a small part of the community, knowing full well that they cannot and will not be generally enforced, then we should not affect astonishment or disgust when the foreseen and expected comes to pass.

A far more serious breakdown of law and justice in the United States has taken place with reference to the Negro population. We lynch and burn black men suspected of crime; we have witnessed race riots in which innocent Negroes were attacked and brutally hunted because of actual or fancied wrongdoing on the part of a few black miscreants; we have witnessed grave miscarriages of justice in the courts owing to the antipathy of juries toward the Negro; we acquiesce in wholesale disfranchisement of black citizens under unfair and discriminatory state laws. These phenomena are deplorable, and it is the duty of every right-thinking American to protest against them and come to the defense of the Negro. At the same time, it is not illegitimate to ask whether, in the same circumstances, any other people would give a better account of itself and show more self-restraint, less prejudice, more humanity. Only half a century ago the Negroes were slaves. They had no legal rights

which white men were bound to respect. They were bought and sold as merchandise. Their emancipation came, not as the product of moral and economic evolution, but as the by-product of a bitter and terrible war over the issue of secession. Enfranchisement was logical and natural as a sequel to emancipation. But the white population of the South, while it acknowledged defeat, was not reconciled to complete emancipation. Reconstruction carried abuses with it and coercion of the South could not be continued indefinitely. The reaction which followed the restoration of autonomy in the South was the work of factors which legislation and judicial decisions could not and did not prevent. The Negro problem is one of extreme complexity and difficulty, and only time and education can solve it. Would any other nation have solved it in fifty years? No one will answer the question in the affirmative in the light of the relations between the British and the natives of India and of Egypt.

But is it necessary to go to India for a parallel? A more striking and convincing illustration is afforded by the Anglo-Irish question. There is more like-mindedness in the United Kingdom than there is in the United States. Still, Ireland is not merely "John Bull's other Island"; it is not a group of British counties. The laws of the Parliament of the United Kingdom have not been welcomed in Ireland. Fenianism, dynamite, boycotting, rent-strikes, cattle-driving, obstruction—these have been the means of Irish resistance to British rule. Coercion, severe repression, extraordinary measures of legislation and administration were tried, abandoned, tried again, and abandoned again. What has brought peace and a régime of law to Ireland? Radical legislation suited to her needs. Reduction of rents, government interference, land purchase, state aid have pacified Ireland, and Home Rule will sooner or later complete the process. The laws which were not and could not be enforced have been modified, repealed, superseded. The laws which are being enforced in Ireland are enforceable in their nature, for the needs and sentiments of the people are back of them and under them.

So much for the cause of apparent lawlessness found in a heterogeneous population, in a Babel of tongues, beliefs, traditions, stand-

ards, intellectual and emotional characteristics. To come now to another potent cause of "lawlessness"—the structure and form of our government.

Federalism is distinctly an experiment—at least on the colossal American scale. A union of "sovereign" states has great and splendid advantages. Our states are wonderful social and political laboratories. We are free to "try out" reforms and measures. We have ultra-conservative, moderate, progressive, and ultra-radical states. Oregon proudly claims to have adopted a completely democratic form of government. Wisconsin boasts of model corporation laws. Commission government, the referendum, the initiative, the recall, income taxation, direct nomination—these and a hundred other modern schemes and devices are being tested before our eyes. The most stubborn conservative cannot fail to profit by these experiments. In so far as machinery, method, form of government are concerned our dual system is calculated to promote progress.

But there is a less attractive side of the picture. In the field of morals state rights and state freedom yield evils as well as benefits. So true is this, and so widely is it realized, that the demand for uniform legislation (either imposed by the federal government or else secured by agreement among the states) is now almost an imperative command of the national conscience. What does "law" mean to the divorce colony of Reno? What does it mean to men and women who marry in one state, obtain a divorce in another, and form new alliances in a third? What does it mean to thousands of superficial observers of such "legal" mockeries?

Nay, the case as regards marriage and divorce legislation is even worse than it is commonly pictured by advocates of a uniform divorce law. Even the loose, crude, incongruous laws of the most "liberal" states, the states which practically advertise for patronage of divorce colonies, are cynically disregarded. As many judges and lawyers have repeatedly stated, perjury, collusion, fraud, and hollow pretense are alarmingly prevalent in the sphere of divorce litigation. The courts are not blind, but they can do little to discourage lying and false swearing. For instance, there is the "residence" provision. In the "free and easy" states even the law

demands of petitioners for divorce a certain minimum period of residence. It does not, in terms, discriminate between those who have actually made the state their home, and those who have not the slightest intention of remaining in the state one day longer than is necessary under the letter of the law. To grant divorces to persons who acquire a legal domicile for the sole purpose of qualifying for divorce is, of course, to outrage common-sense. Yet, without uniformity in legislation having vital relation to morals, such absurdities are hardly avoidable. What is bad and vicious in the situation is the advantage taken of weak state laws by citizens of other states; and the temptations, the opportunities, the incitements to such conduct are the result of misapplied federalism. Flesh is weak at the best, and crime or immorality is largely prevented by removal of temptation and opportunity. Where laws *can* be lightly and cavalierly treated, depend upon it, many will so treat them.

The weakness and danger of federalism from a moral point of view are illustrated constantly in another sphere—that of corporate industry and corporate finance. We have heard and read a good deal about the sturdy honesty and integrity of British merchants. The standards of American men of business are not naturally lower than those of their English brethren. But our chaotic corporation laws put a premium on deception and fraud. What one state will not do for corporations another will; there is apparently nothing some states will not authorize corporations to do for the sake of fees and annual taxes. Men incorporate in Maine or New Jersey to do business in Wisconsin or Minnesota. They seek states where "no questions" are asked regarding their capital, assets, purposes, and methods. They want charters which license them to make money by hook or crook. Now, "guilt is personal," but the primary offenders in cases of corporate chicane and plunder are the lawmakers who enact corporation laws which beget and breed dishonesty. What a country like Great Britain or France can do for business morality in a month, by enacting one national reform measure dictated by experience, would require years or decades in the United States, owing to our "sovereign states" and their place in the American governmental system.

What is true of corporation law is true of railroad legislation, of

anti-monopoly legislation, of pure-food legislation, etc. The conflict and confused multiplicity of laws bewilder and demoralize men, making obedience difficult and violation or evasion of law both simple and profitable. Need we wonder that "respect for law" is weaker with us than with nations that have no conflicts of jurisdiction, no divided allegiance, no fantastic legal fictions?

Federalism was a necessary compromise when the marvelous American constitution was proposed. But conditions have changed and the states have lost much of their function and occupation. More "nationalism" is essential to morality as well as the efficiency, although in certain directions home rule, local autonomy, and the greatest scope for experimentation are most beneficial. In point of fact, the whole American system is undergoing profound modification, and there is as yet little correspondence between reality and legal theory. This lack of congruity produces practical anomalies of various kinds.

There is a third great cause of "American lawlessness," and that cause is also inherent in the American political system. The reference is to the unique prerogative of the courts in regard to legislation. The independence of the judiciary is a bulwark of civil rights and liberties, while the doctrine of separation of governmental powers, if not carried too far, is fundamentally sound. We are carrying it too far, and are now limiting it in the municipal sphere. Powerful writers are advocating further limitation of it in the sphere of state government. We are not likely to establish commission government for states, but we are likely to increase the advisory power of state executives, and to enable them to introduce "administration bills" and "administration budgets," as well as to defend such measures on the floor of the law-making body. But, whatever we may do to simplify administration and add to its efficiency, we shall not shackle the judiciary or make it subservient either to the execution or to the legislative department. Courts cannot be fearless and impartial unless they are wholly independent.

At the same time there is plenty of room for doubt and discussion with reference to the power of the judiciary to pass upon and annul legislation on constitutional grounds. This power, as thoughtful men are aware, is not expressly conferred in any constitution.

Chief Justice Marshall found it in implications of the federal Constitution, and his argument on the subject has been admired by great lawyers. The people have acquiesced in and sanctioned the remarkable innovation. Still, in practice grave difficulties have arisen. Granted that a written constitution needs and presupposes authoritative interpreters; granted that the courts are the best and safest interpreters of the organic law, it yet must be admitted that there is something anomalous in a scheme which permits a single judge of inferior jurisdiction to "kill" an act of Congress or of a state legislature, or to suspend it indefinitely. The anomaly becomes flagrant when this extraordinary power is used rashly or arbitrarily. It is hardly to be wondered at that restrictions and safeguards are now being urged. Thus it has been suggested that unanimous decisions of the highest courts should be required where laws duly passed and signed are to be declared null and void. Others have suggested three-fourths majorities of the highest courts for the exercise of the power in question.

Whatever we may think of these and other suggestions, the fact that there is, as Senator Root of New York has admitted, much discontent and impatient criticism of the courts is one that induces sober reflection. The feeling is widespread that there is too much "judicial legislation" in the guise of mere interpretation; that "the dead hand" controls the courts and checks political and social progress; that not law, but economic and political conceptions outgrown by the people too often prompt decisions that undo the work of years. Judges have been charged by popular leaders and progressive legislators with "usurpation" and class bias. Such charges, such suspicions and agitation are not conducive to respect for law and government.

It is not mere lawlessness, dislike of restraint, and irreverence that yield criticism of the courts. The situation is in truth unsatisfactory and abnormal. It challenges attention and readjustment. The line must be more clearly drawn between reasonable interpretation and legislation by construction. The question must be definitely settled whether we are to adhere to the present practice, and accept five-to-four or four-to-three decisions on constitutional questions, as well as suspension of statutes

by single judges of first-instance courts, or whether we are to change the existing arrangement by well-considered legislation embodying the mature thought of our own day. To settle this question would be to promote respect for law and its interpreters.

One more major cause remains to be named—one which grows out of the manners of liberty and democracy. How can there be respect for law as law when there is so little respect for most of the men who are sent to the legislatures and city councils to enact our laws? When a legislature adjourns the cry on every side is, "Good riddance!" Commendation for a legislature is the exception, not the rule, even in the most dignified and responsible of our organs of opinion. The average legislature is generally under fire. It is accused of inefficiency, of treachery, of corruption, of servility to special and predatory interests. Bad statutes, crude statutes, omissions, failures are almost always found in its record. Many of our lawmakers are condemned as cheap policemen, tools of selfish bosses, representatives of privilege. We attack their rules, their methods and their motives. We applaud "insurgency." We complain bitterly of the moral and intellectual level of our politicians and our legislatures.

There is, alas! but too much ground for all this, but the point is that one cannot expect to find high respect for law in such an atmosphere. We cannot, except in the spirit of irony, speak of the "wisdom of our legislature" after assailing it as a hotbed of intrigue, dishonesty, and parasitism. We cannot proclaim "the breakdowns of representative government," investigate scandals and bribery conspiracies and at the same time demand respect for the handiwork of suspected, branded, or indicted men.

It is now generally admitted that "too much politics" is one of our serious political troubles. We have too many elections, too many candidates, too many offices. Our ballots are too long, our voting is too blind and too ignorant. This condition does not make for democracy and democratization. It discourages the citizens who have no direct "bread-and-butter" interest in politics and renders them apathetic. The men who live by politics, hold or seek office, work for friends or patrons who expect franchises or favors without a fair consideration, thrive on politics. They are eternally vigilant,

and success is their reward. The disinterested citizen cannot compete with them. Fewer elections, simpler machinery, shorter ballots, longer terms of office, greater authority in elective officials (under proper checks and restrictions)—such reforms as these are necessary under existing conditions if we wish to raise legislative and political standards, to make law-making and law-administration truly respectable. If we could, even for a relatively short period, conscientiously praise our lawmakers, credit them with sincerity, ability, and public spirit, and speak well of their achievements, the general public attitude toward law and legislation would undoubtedly undergo a healthy change.

Among the minor and less general causes of "American lawlessness" the first in the opinion of many observers, is our antiquated and unreformed legal procedure. The law's delays and the law's technicalities and red-tape are too notorious to require much discussion. The forms and practices the United States borrowed from England that country has long since modified or abolished; in most of our states lawyers and legislators are too apathetic or too short-sighted and routine-ridden to reform and modernize procedure. Litigation is therefore costly, and criminal justice slow, uncertain, and inefficient. It is not necessary to assume that speedy justice is always sure justice in order to sympathize with the demand of progressive jurists like President Taft, Mr. Moorfield Storey, and others for simplicity and common-sense in pleadings, for dignity and decorum in the examination of talesmen and the conduct of cases, and for a reasonable limitation of appeals. The absurdities and vulgarities of American procedure benefit no one except the habitual criminals and the shysters.

Public sentiment and the sentiment of the practical and efficient business community have tolerated abominations in legal procedure, first, because a young and prosperous nation is naturally easy-going, and, in the second place, because delays, technical appeals, and decisions on technical grounds have been erroneously associated with democracy and equal opportunity. Where everybody has "a chance," indicted or even convicted men have amiably been given every possible chance. Old conceptions of law and government have been applied to new situations. The perversion of the writ of

habeas corpus, for example, has in certain states threatened to make justice impossible in particular classes of criminal cases. Judges of inferior courts claimed the right to retry cases decided by the highest appellate courts, and had to be sharply rebuked.

It scarcely needs urging that inefficiency, waste, farcical technicalities in the administration of law and justice undermine men's respect for constituted authority.

Finally, as an enlightened foreign thinker has observed, the "magnificent distances which separate American cities hamper the advance of the higher civilization." The United States, as another foreign writer has said, is a continent rather than a country. There is a profound diversity of interests and feelings. Each section has its peculiar conditions and problems, and each section insists on being allowed to work out its problems in its own way. The future may bring about a splendid synthesis, but the period of storm and stress, of transition, of readjustment is inevitably characterized by restlessness, impatience, conflict between tradition and fact, reality and form.

In any court of reason and philosophical insight a demurrer to the indictment of the American nation on the score of "lawlessness" and lack of discipline and reverence must be fully sustained. The true, philosophical statement is that in the United States, owing to its historical, geographical, social, industrial, and other conditions; owing to the Indian problem, the slavery and Negro problem in its various phases, the heavy and unprecedented immigration, the "melting-pot" processes and the nature of the diverse elements which are thrown into the pot, the question of law-enactment and law-enforcement is one of extraordinary and unparalleled difficulty and complexity. Thus to state the case is to emphasize the magnitude of the task before the country as well as the supreme duty and necessity of promoting solidarity, like-mindedness, and unity among us while cherishing freedom of local experimentation and useful differences within wide limits.